

8-19-1958

Correspondence, John C. Stennis, August 19-September 3, 1958

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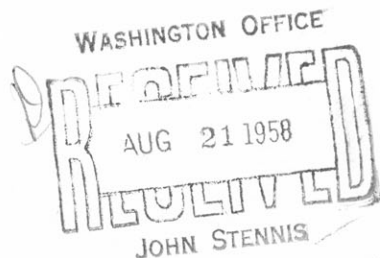
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ROBERT G. GILLESPIE
ASSOCIATE JUSTICES

Supreme Court of Mississippi



Jackson, Mississippi

August 19, 1958



Senator John Stennis
United States Senate
Senate Office Building
Washington, D. C.

Dear Senator:

I received your memorandum with the enclosed copy of opinion by the Comptroller General, Joseph Campbell, upholding the procedure followed by the President in calling out the National Guard in Little Rock, insofar as disbursements of federal funds are concerned.

As I read the opinion, he holds that Sections 332-334 of 10 U. S. C. are not in pari materia with Section 3500 of 10 U. S. C., and would constitute entirely independent authorization for the President to call out the National Guard. For whatever it is worth, this seems to me to be ignoring the plain terms of Section 3500, which establishes a procedure for calling out the National Guard. On the other hand, Sections 332-334 define the circumstances under which the militia may be called out, they do not seem to deal with the procedure and steps necessary to call the National Guard into service. However, in view of the Comptroller General's opinion, that issue could only be considered now by a federal court in a proper case.

Like you, I was very disappointed in the decision yesterday by the Eighth Circuit Court of Appeals concerning the petition for supersedeas in the Little Rock school integration case. It seems that six of the members of the Eighth Circuit have determined to deny federal district judges any area of

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discretion whatever in carrying out their decrees in such cases.

I know that you are looking forward to adjournment this weekend and trust that you will be able to get a good rest after it. If anything affirmative happens on the Omnibus Judgeship Bill, I wish you or [REDACTED] would let me know about it.

With personal regards--

Your friend, 7
[REDACTED]

[REDACTED]

32- Little Rock

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United States Senate

COMMITTEE ON PUBLIC WORKS

September 3, 1958

[REDACTED]
4810 Sheridan Drive
Jackson, Mississippi

Dear [REDACTED]:

Your letter regarding the Comptroller General's decision and the Omnibus Judgeship Bill was received during the closing days of the session. Senator Stennis hoped that a miracle would happen, causing this much needed piece of legislation to become enacted. However, the measure was never even reported by the Senate Judiciary Committee and, of course, was not considered on the floor of either House. We certainly will be looking out for activity on this front next year and particularly with interest on the new post to be created in the Court of Appeals.

We, of course, were very disappointed at the ruling of the Comptroller General, feeling, as you do, that Section 3500 establishes a mandatory procedure for calling out the National Guard in the type situation occurring in Little Rock last year. I do think, however, that we have opened up a new area of attack outside the courts which may be effectively used later on in the event the tide ever begins to run with us.

I really enjoyed working with you this year on the Bar speech, which received the greatest favorable response of any local address in Mississippi since I have been here. It certainly was well thought out and interesting, although exhaustive. I understand that Senator Russell used part of it in his speeches in Georgia earlier this year. Certainly the fundamental soundness and validity of the conclusions you reached cannot be logically challenged.

Please call on us any time we can do anything for you, either personally or officially.

Regards to [REDACTED] and the children.

Sincerely,

[REDACTED]
Assistant to Senator John Stennis